



AF/3623
PTO/SB/21 (08-03)

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		Art Unit	3623
		Examiner Name	Meinecke Diaz, Susanna
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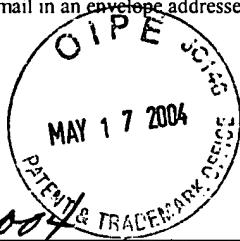
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Moore, Raymond

Application No.: 10/047,925

Filed: January 14, 2002

For: METHODS AND SYSTEMS FOR
MANAGING BUSINESS
REPRESENTATIVE DISTRIBUTIONS

Examiner: Meinecke Diaz, Susanna M.

Technology Center/Art Unit: 3623

**APPELLANT REPLY BRIEF UNDER 37
CFR §1.193**

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Sir:

Appellant offers this Reply Brief in response to the Examiner's Answer mailed on March 23, 2004. This Brief is submitted in triplicate. The following remarks are intended to further focus the issues in this appeal.

The Examiner's Answer (1) provides additional argumentation regarding the Examiner's original interpretation of the CACI FieldForce Planning services and territory

optimization software; and (2) provides new arguments regarding an alternative interpretation of the CACI FieldForce Planning services and territory optimization software that has not previously been advanced.

First, the Examiner's original interpretation of the CACI software appeared to identify a correspondence between the claim terms of *both* a "geographical area" and a "geographical unit" with the numbered territories used by the CACI software (*see, e.g.*, Final Office Action, p. 3), and to interpret receiving a numerical label identifying one of those territories as "receiving a trace defining a closed geographical area" (*see, e.g., id.*, pp. 2 – 3). In supplying additional argumentation regarding this interpretation, the Examiner's Answer reiterates the view that the word "within" may describe the relationship of something to itself by making an inappropriate analogy with the mathematical field of set theory (Examiner's Answer, p. 6). In addition, the Examiner's Answer persists in taking the position that *any* piece of information that identifies a closed geographical area meets the claim limitation of "receiving a *trace* defining a closed geographical area" (emphasis added).

Appellant explained why these interpretations are inappropriate in the Appellant Brief, and believes that those explanations remain valid even in light of the additional argument provided in the Examiner's Answer. Appellant notes, however, that in reiterating these interpretations, the Examiner's Answer "submits that any input that delineates a closed geographical area meets the claimed 'trace'" (*id.*, p. 4, emphasis added). According to the dictionary source used by the Examiner for the interpretation of other terms, the verb "to delineate" means "to indicate or represent by drawn or painted lines" (Ex. 1, Merriam-Webster Dictionary, 10th ed.). While this definition is consistent with the interpretation proposed by Appellant and consistent with the specification's description of a trace as a drawn line (*see Appellant Brief, p. 7, citing Application, p. 8, l. 18*), it is notably narrower than simply receiving a numerical identifier of a geographical area, as appears to be done by the CACI software. As applied by the Examiner, the mere receipt of a number, say "12," would meet the claim limitations of "receiving a trace defining a closed geographical area" (because a particular area is identified as number 12) and of "identifying at least one geographical unit within the closed

geographical area" (because area 12 is considered to be within itself). This result is clearly peculiar. It results from application of such overly broad interpretations to specifically recited claim elements that effectively eviscerate the claim limitations and render them meaningless.

Second, the new arguments presented in the Examiner's Answer are directed to an alternative interpretation in which the "territories" or "territory structures" referred to in the CACI software description refer to a collection of "bricks" (Examiner's Answer, p. 5). The Examiner's Answer draws a first correspondence between the "entire area on each map" (such as shown on p. 6 or p. 7 of "CACI Information Solutions") and the "geographical area" recited in the claims (Examiner's Answer, p. 6); and draws a second correspondence between "each labeled sub-area within the entire area" and the "geographical unit" recited in the claims (*id.*, p. 6). This interpretation thus attempts to identify a correspondence with the claim terms in which the "geographical area" and "geographical unit" are not spatially coextensive, as Appellant explained was a consequence of a correct interpretation of the word "within" (*id.*, pp. 6 – 7).

It is, however, believed that the identification of the labeled sub-areas as corresponding to the "bricks" described in the textual part of the cited art is incorrect. The only explanatory description cited by the Examiner's Answer for this interpretation is the following:

Territories are stored as computerized maps with each territory shaded a different colour. The boundaries of the bricks, place names and the road network and other locations (e.g. home bases, depots, customers) can all be displayed on the maps. Previous territory structures can also be shown for comparison purposes.

The system can be used to display the workload in each territory and each component brick of the territory. Bricks can be reallocated from one territory to another and the result of such changes can be analyzed to measure any imbalances created in the workload. The software allows the map files of the whole structure or individual territories to be sent for printing.
(CACI Limited Home Page, p. 6)

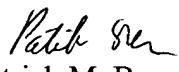
This description is not at all clear in articulating what is meant by reference to "bricks." It does not explain clearly how the bricks are related to the territories, or even make plain that the bricks are geographical entities. Certainly the interpretation drawn by the Examiner that a "territory" is the "entire area on each map" is incorrect — the description notes that "each territory [is] shaded

a different colour,” but in the examples cited on pp. 6 and 7 of “CACI Information Solutions,” the entire map areas are *multicolored*, with each labeled region being shaded a different color.¹ It thus appears that in the CACI software documentation provided, references to “territories” are intended to refer the labeled regions, not to the “entire area on each map” as the Examiner’s Answer proposes.

Even if the Examiner’s interpretation were justified, though, it is still plain that the specific claim limitations are not disclosed. In particular, the CACI software still identifies the labeled regions by receiving a numerical value equal to the label. There is thus no disclosure of *receiving a trace* that defines the “entire area on each map.” Similarly, there is no disclosure of identifying at least one geographical unit within the closed geographical area defined by a received trace — the identification of the labeled regions in the CACI software is instead made directly by receipt of the numerical values from the user. There is no need to define a closed geographical area that the geographical unit is within since the numerical value by itself provides a complete identification.

For the above reasons, neither the original interpretation of the CACI software proposed by the Examiner nor the new interpretation set forth in the Examiner’s Answer reads on the claims. Accordingly, Appellant continues to believe that all pending claims are patentable.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

¹ This is even more evident from the color version of “CACI Information Solutions” available at http://www.caci.co.uk/pdfs/mst_Summer_2001.pdf. The copy of the reference made of record in the application is printed in black and white, but still shows shading that illustrates the different colors.

Appl. No. 10/047,925
Reply Brief dated May 11, 2004

PATENT

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One entry found for **delineate**.

Main Entry: **delineate**

Pronunciation: di-'li-nē--At

Function: *transitive verb*

Inflected Form(s): **-eat·ed**; **-eat·ing**

Etymology: Latin *delineatus*, past participle of *delineare*, from *de-* + *linea* line

1 **a** : to indicate or represent by drawn or painted lines **b** : to mark the outline of <lights *delineating* the narrow streets>

2 : to describe, portray, or set forth with accuracy or in detail <*delineate* a character in the story> <*delineate* the steps to be taken by the government>

-·deline·a·tor /-E--A-t&r/ *noun*

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